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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,812	05/27/2005	Josephus Christiaan Maria Hendrix	NL 021211	6637

24737 7590 01/16/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER
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FAROKHROOZ, FATIMA N

ART UNIT	PAPER NUMBER
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2889

MAIL DATE	DELIVERY MODE
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01/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,812	<b>Applicant(s)</b> HENDRICX ET AL.	
	<b>Examiner</b> Fatima N. Farokhrooz	<b>Art Unit</b> 2879	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/19/07, 05/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim objections***

A Multiple dependant claim cannot depend on another multiple dependant claim. Claims 7, 8,9 and 10 which are multiple dependant, are further dependant on multiple dependant claims ( see claims 5 and 7; also see claims 7-10). Appropriate corrections are needed. For purposes of art rejection it is deemed that claims 7-10 are dependant on claim 1.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection

desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In claim 8, a broad version of a portion of the claim is followed by the narrower version of the same portion of the claim. For example, the internal diameter Di, wherein Di is **smaller than or equal** to 2.0 mm, **particularly smaller than or equal** to 1.5 mm, **particularly smaller than or equal** to 1.0 mm is incorrect. Appropriate correction is needed. For purposes of art rejection it is deemed that the internal diameter Di is **smaller than or equal** to 2.0 mm.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2,3, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Josephus et al (WO 00/67294).

For claim 1, Josephus teaches a Vehicle headlamp ( page 5,lines 10-13;motor vehicle) with a metal halide lamp (Fig.1 and 2, page 4,lines 25-30) comprising: a discharge vessel 3 (Fig.1 and 2, page 4,lines 25-30) surrounded with clearance by an outer envelope 1(outer bulb, page 5; lines 1-3) and having a ceramic wall 31 which encloses a discharge space containing Xenon (Xe) and an ionizable filling (page 4,lines 28-30) ; a first and a second current conductor (40,50; page 4,lines 34-35) ; entering the discharge vessel and each supporting an electrode (4,5 in Fig.1 , page 5,lines 1-3) in the discharge vessel, wherein the first and the second current conductor each extend from a ceramic sealing compound 10; (page 4,lines 34-35 to page 5,lines 1-3;melting ceramic joint) sealing the discharge vessel around the current conductors in a gastight manner to the exterior of the discharge vessel, and wherein the discharge vessel has extended end parts ( 34,35 in Fig.2; page 5,lines 1-5) in each of which a respective current conductor is enclosed, which end parts each have a free end where the discharge vessel is sealed by the ceramic sealing compound, characterized in that said vehicle headlamp has a light-reflective coating (41,51) surrounding at least a portion of at least one of the end parts (Fig.2,page 5,lines 1-5; the coating is made of Pt which is a reflective metal; page 3,lines 23-30).

2. Regarding claim 2, Josephus teaches a vehicle headlamp wherein the light-reflective coating (41,51 in Fig.2 , page 5,lines 1-5) is provided on the outer side of the ceramic wall of at least a portion of the end parts.
3. Regarding claim 3, Josephus teaches a vehicle headlamp , wherein the light-reflective coating is band-shaped (implicitly taught) and surrounds a portion of both end parts adjacent a central part of the discharge vessel, as well as both ends of said central part (see 41,51 in Fig.2,page 5,lines 1-5).
4. Regarding claim 8, Josephus teaches a Vehicle headlamp (Fig 2), wherein tips of the electrodes have a mutual interspacing EA so as to define a discharge path between them , wherein the discharge vessel has an internal diameter Di (page 2,lines 1-17,also see Abstract) at least over the distance EA, and wherein Di is smaller than or equal to 2.0 mm (page 2,lines 1-17,also see Abstract).
5. Regarding claim 10, Josephus teaches a Vehicle headlamp wherein the light-reflective coating comprises a material Pt (page 3,lines 23-30).Also see rejection in claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Josephus et al (WO 00/67294).

Regarding claim 5, Josephus teaches that the light-reflective coating is provided on portions of the end parts as well as on portions of the central part of the discharge vessel (see rejection in claims 1-3). Josephus also teaches that the coating extends to 0.5 mm from the electrode tip (page 3, lines 30-35).

Bergman does not teach that the light-reflective coating is provided on a **portion of both end parts such that** a line through a tip of an electrode and an edge of the light-reflective coating directed towards the discharge vessel encloses an angle varying between 5.degree. and 30.degree. with a plane perpendicular to said electrode.

Therefore, regarding claim 5 :since Josephus already discloses that the light-reflective coating extends over to 0.5 mm from the electrode tip, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make adjustable length of the light-reflective coating since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. ***In re Stevens, 101 USPQ 284 ( CCPA 1954 ).***

7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Josephus et al (WO 00/67294) in view of Honda et al (US 20030076041).

Regarding claim 4, Josephus teaches the invention set forth above (see rejection in claim 1 above). Josephus does not teach that the light-reflective coating is provided on the inner surface of the outer envelope.

In the same field of endeavor, Honda teaches a vehicle headlamp (Fig.8) wherein the light-reflecting coating is provided on the inner side of the outer envelope (jacket bulb OB in Fig. 8 and [0089];[0088]) in order to enhance the light collection capacity in the lamp ([0089]).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the reflective coating on the inner surface of the outer envelope, as disclosed by Honda, in the discharge lamp of Josephus ]) in order to enhance the light collection capacity in the lamp.

8. Regarding claim 9, Honda teaches a Vehicle headlamp (Fig.4 and 5) wherein the end parts (1b) have an average internal diameter  $D_i$  smaller than or equal to 0.6 mm (maximum inner diameter of 0.7 mm in [0153]).



9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Josephus et al (WO 00/67294) in view of Bergman (Bergman2; US 5610469).

Regarding Claim 6, Josephus teaches the invention set forth above (see rejection in Claim 1 above). Josephus is silent regarding a vehicle head lamp wherein the light-reflective coating is provided on the outer side of the outer envelope.

In the same field of endeavor, the added Bergman2 reference teaches a discharge lamp (Fig.2) with an outer envelope ( shroud 16, col.4,lines 3-5) wherein the light-reflective coating 46 is provided on the outer side of the outer envelope (col.4,lines 3-22) in order to reflect back the light emitted by the arctube 12 (col.4,lines 23-25) .

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the reflective coating, as disclosed by Bergman2, in the discharge lamp of Josephus in order to reflect back the light emitted by the arctube.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Josephus et al (WO 00/67294) in view of Scholler (US 5646471) .

Regarding Claim 7, Josephus teaches the invention set forth above (see rejection in Claim 1 above). The above combination is silent regarding a vehicle head lamp wherein the discharge vessel has a circumferential clearance inside the outer envelope of at most 5 mm.

Scholler teaches a discharge lamp (Fig.1) wherein the discharge vessel 1 has a circumferential clearance inside the outer envelope 10 of at most 2 mm (col.4,lines 14-25).

Regarding the maximum circumferential clearance inside the outer envelope : Scholler discloses a circumferential clearance inside the outer envelope of at most 2 mm: but does not disclose a particular maximum range for this parameter. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a discharge vessel with a circumferential clearance inside the outer envelope of at most 5 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the "optimum range" involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

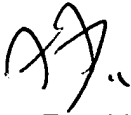
#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatima Farokhrooz whose telephone number is (571)-272-6043. The examiner can normally be reached on Monday- Friday, 9 am - 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

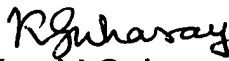
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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).



Fatima Farokhrooz Examiner

  
Karabi Guharay  
Primary Examiner  
12/26/07